

The Council of the Okhahlamba Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with sections 11 and 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), made the following by-laws:

## OKHAHLAMBA LOCAL MUNICIPALITY

### TRAFFIC BY-LAWS

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#### CHAPTER 1 GENERAL

##### 1. DEFINITIONS

(1) In these by-laws, unless inconsistent with the context—

**"abnormal load"** means a load carried on a vehicle or combination of vehicles which does not comply with the requirements of the Road Traffic Act;

**"abnormal vehicle"** means a vehicle or combination of vehicles which do not comply with the requirements of the Road Traffic Act;

**"bus rank"** means any place designated or any area demarcated for the exclusive parking of busses;

**"bus stop"** means any place or area designated or demarcated as a bus stop, by a road traffic sign, for the purpose of loading and offloading passengers;

**"Central Business District"** means the central parts of township areas within the area of jurisdiction of Council, as indicated on the Council's Framework Plans;

**"Chief Traffic Officer"** means the person appointed as such by Council, or during his absence, the officer acting in that capacity and includes any employee of Council acting under the direction and control of the Chief Traffic Officer;

**"Council"** means the Okhahlamba Local Municipality or its successors in law, and includes the Council of that municipality and its Executive Committee and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation;

**"general industrial area"** means the industrial areas within the area of jurisdiction of Council as indicated on the Council's Framework Plans;

**"loading zone"** means any portion of a public road designated or demarcated as a loading zone by a road traffic sign;

**"medical practitioner"** means a person registered as such under the Health Professions Act, 1974 (Act 56 of 1974);

**"metered parking bay"** means a parking bay in conjunction with which a parking meter has been Installed;

**"parking bay"** means any portion of a public road demarcated as a parking bay or parking place by a road traffic sign or marking;

**"ply for hire"** means to use a motor vehicle for hire or reward or make a motor vehicle available at any place for the purposes of so conveying passengers and goods;

**"prescribed fee"** for the purpose of Chapter IV means the fee prescribed in terms of section 106 of the Road Traffic Act in respect of the metered parking bay concerned;

**"prescribed tariff"** means the fares and charges prescribed by Council in respect of any journey undertaken in a taxi;

**"proprietor"** in relation to any taxi means a person carrying on the business of conveying passengers in such taxi for hire or reward;

**"public car park"** means any land reserved as a public car park as indicated in the town planning maps of the Okhahlamba Town Planning Scheme in course of preparation;

**"road carrier permit"** means a public road carrier permit issued in terms of the Road Transportation Act, 1977 (Act 74 of 1977);

**"Road Traffic Act"** means the National Road Traffic Act 1996 (Act No. 93 of 1996 as amended);

**"taxi"** means a public motor vehicle (other than a public bus) used for the conveyance of passengers or of passengers and goods;

**"taximeter"** means a device designed or adapted for recording the distance travelled by taxi and the fares and charges to be paid by passengers travelling therein;

**"taxi rank"** means any place designated or area demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign;

**"token"** for the purpose of—

- (a) Chapter II means a token issued under section 4(4); and
- (b) Chapter V means a token depicting a white cross on a black background;

**"traffic officer"** has the meaning assigned to it in the Road Traffic Act and any person appointed as such by Council, any person acting in that capacity, and includes any person appointed by Council as a traffic warden, casual traffic warden or any authorised traffic officer in the employ of the Provincial Administration;

**"trolley"** means any trolley exclusively operated by human power.

- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

## **2. INTERPRETATION**

Subject to the provisions of this section, any word or expression used in these by-laws to which a meaning has been assigned in the Road Traffic Act shall bear that meaning unless the context indicates otherwise.

## **CHAPTER II TAXIS**

### **3. RANK PERMIT REQUIRED**

A person may not use, or ply for hire, any vehicle as a taxi unless such vehicle has been issued with a valid taxi rank permit issued by Council under this chapter.

### **4. GRANTING AND ISSUE OF RANK PERMIT AND TOKEN**

- (1) Any person wishing to obtain a taxi rank permit as contemplated in section 3, shall submit such an application to the Chief Traffic Officer on the prescribed form, which form is obtainable from the offices of the Chief Traffic Officer.
- (2) The Chief Traffic Officer may grant and issue a taxi rank permit applied for in accordance with subsection (1) if he or she is satisfied—
  - (a) that the vehicle concerned—
    - (i) complies with the provisions of this chapter and any other law applicable to vehicles used as taxis;
    - (ii) has been fitted with a taximeter which complies with the provisions of section 8(1), or has been exempted under section 8(2);
    - (iii) can be accommodated in the area, taxi rank or other place specified in the application;
  - (b) that it is desirable that such vehicle be permitted to ply for hire as a taxi from such area, taxi rank or place;

- (c) that the taxi rank fee or fees determined by Council from time to time, have been paid; and
  - (d) that the applicant is in possession of a valid certificate from the Local Road Transportation Board to operate the said taxi in the area of jurisdiction of the Council.
- (3) The Council may, when granting a taxi rank permit under subsection (2), impose such conditions, restrictions and requirements in respect of the vehicle concerned, its equipage and the use of the area, taxi rank or other place from which it is to ply for hire as it may deem necessary in the interest of the safety and convenience of pedestrians and vehicular traffic.
- (4) The Council shall, with every taxi rank permit issued under sub-section (2), issue a token specifying—
- (a) the year for which such permit has been granted;
  - (b) the registration mark allotted to the vehicle concerned;
  - (c) the make of such vehicle;
  - (d) the area, taxi rank, or other place from which such vehicle may ply for hire; and
  - (e) the number of the taximeter approved for use by such vehicle.
- (5) The proprietor of a taxi in respect of which a taxi rank permit has been issued under these by-laws, shall advise the Chief Traffic Officer—
- (a) of any change of his residential and/or postal address during the year of validity of such permit; or
  - (b) when disposing of or otherwise ceasing to be the proprietor of such taxi during the said year, the name and address of the person to whom it was disposed of or other cause of his ceasing to be the proprietor thereof, within seven days of the event.

## **5. PERIOD OF VALIDITY OF RANK PERMIT AND TOKEN**

A permit and token issued under section 4 shall be valid from the date of issue until 31 December of the year during which it was issued.

## **6. SUSPENSION OF RANK PERMIT**

- (1) The Chief Traffic Officer may by notice in writing served on the proprietor of a taxi, suspend the operation of the current taxi rank permit issued in respect of such taxi, for so long as such taxi or the taximeter fitted thereto falls to comply with the provisions of this chapter, any other law relating to vehicles used as taxis Or any condition, requirement or restriction imposed under section 4(3) or 8(2).
- (2) Such proprietor shall immediately, upon receipt of such notice, deliver the current token issued in respect of such taxi to the Chief Traffic Officer.

- (3) The Chief Traffic Officer shall withdraw such suspension and return such token to such proprietor upon being satisfied that such taxi or taximeter again complies with the aforementioned provisions.

## **7. GENERAL PROVISIONS RELATING TO RANK PERMIT AND TOKEN**

- (1) No person shall, except with the written consent of the Chief Traffic Officer ply to hire with a taxi from any place other than the area, taxi rank or other place specified on the current taxi rank permit and token issued in respect of such taxi.
- (2) No person shall—
  - (a) affix a token to any vehicle other than the taxi in respect of which it was issued;
  - (b) ply for hire with a taxi—
    - (i) unless the token in respect of such taxi for the current year is affixed to the left hand side of the windscreen thereof so that its face is clearly visible from the outside;
    - (ii) while any token other than the token except the vehicle licence disk and other tokens required by law, issued in respect of such taxi is affixed thereto;
    - (iii) while any token which has ceased to be valid is affixed to such taxi; or
    - (iv) while the operation of the taxi rank permit issued in respect of such taxi for the current year is suspended under section 6.

## **8. TAXI METER TO BE FITTED**

- (1) Subject to the provisions of sub-section (1), no person shall ply for hire with a taxi unless—
  - (a) it is fitted with a taximeter which has been approved and sealed by the Chief Traffic Officer;
  - (b) such taximeter—
    - (i) is in good working order;
    - (ii) is operated solely from the gearbox of such taxi or from such other portion of the mechanism thereof as the Chief Traffic Officer may approve in writing;
    - (iii) correctly records the fare and charges payable in accordance with the prescribed tariff by any passenger travelling in such taxi;
    - (iv) is clearly visible from outside such taxi;
    - (v) has an illuminated dial which is free of dirt and clearly visible to all passengers travelling In such taxi; and

- (vi) is positioned so that every seal affixed thereto by the Chief Traffic Officer can readily be inspected;
  - (c) every seal affixed to such taximeter by the Chief Traffic Officer is intact and undamaged.
- (2) The Chief Traffic Officer may at his discretion and subject to such conditions, restrictions and requirements as he or she may deem necessary exempt for such period as he or she may specify, the proprietor of any taxi from compliance with all or any of the provisions of sub-section (1) in respect of such taxi and may likewise withdraw any such exemption or vary the conditions, restrictions or requirements subject to which it was granted.

## **9. OPERATION OF TAXIMETER**

The driver of a taxi—

- (a) shall cause the taximeter fitted thereto to come into operation—
  - (i) upon a passenger entering such taxi in order to commence a journey at a place from which such taxi is plying for hire;
  - (ii) upon arrival at the starting point of a passenger's journey in any other case;
- (b) shall cause such taximeter to stop recording upon arrival at such passenger's destination.

## **10. PROHIBITED ACTS IN RELATION TO TAXI METERS AND SEALS**

- (1) No person shall—
  - (a) break or in any way tamper with a taximeter or any connection or appurtenance thereto or with any seal affixed thereto by the Chief Traffic Officer;
  - (b) tamper or interfere with any tyre, mechanism or fitting of a taxi so as to cause the taximeter fitted thereto to register any fare or charge other than a fare or charge in accordance with the prescribed tariff; or
  - (c) cause a taximeter to come into operation before the time specified in section 9 or permit a taximeter to continue operating after the time there specified.
- (2) No person shall ply for hire with a taxi—
  - (a) after the taximeter fitted thereto has been out of order or any seal affixed thereto by the Chief Traffic Officer has been broken or defaced, until the Chief Traffic Officer has again approved and sealed such taximeter;
  - (b) while such taxi is fitted with tyres which are of a size or at a pressure other than the size and pressure specified on the card referred to in section 11; or
  - (c) which is fitted with a taximeter other than one complying with the provisions of section 8.

## **11. CARD TO BE DISPLAYED**

- (1) No person shall ply for hire with a taxi for passengers unless a card issued by the Chief Traffic Officer specifying—
  - (a) the prescribed tariff applicable to such taxi;
  - (b) the number of seats available in such taxi for passengers;
  - (c) the size of the tyres on the wheels of such taxi;
  - (d) the air pressure to be maintained in such tyres;

is permanently affixed in such taxi so that the face thereof is clearly visible to all passengers travelling in such taxi.
- (2) The provisions of sub-section (1) shall not apply in respect of any taxi for so long as an exemption granted to the proprietor thereof in terms of section 8(2) in respect of such taxi is in operation and all conditions, restrictions and requirements imposed in terms of the by-laws are being complied with.

## **12. USE OF TAXI RANKS**

- (1) Subject to the provisions of these by-laws or any other law, a driver of a taxi shall, when plying for hire at a taxi rank, be available and ready to be hired at all times and no such driver shall refuse to carry any passenger or passengers up to the number of seats available in his taxi to any place within the Municipality unless he or she has been previously hired; and
  - (a) can produce written proof of such hiring.
- (2) When plying for hire the driver of a taxi shall park his taxi on the place which has been allocated to him by Council as specified in section 4.
- (3) No driver of a taxi shall, when plying for hire at a taxi rank—
  - (a) leave his taxi unattended for a period exceeding one hour; or
  - (b) permit any person to remain or wait in his taxi.
- (4) No person shall park or stop a taxi which is not roadworthy in a taxi rank or cause or permit such a taxi to remain in a taxi rank.
- (5) No person shall park or stop in a taxi rank any vehicle other than a taxi in respect of which a permit and token specifying such taxi rank has been issued for the current year.

## **13. GENERAL PROVISIONS RELATING TO TAXIS AND TAXI DRIVERS**

- (1) No person shall ply for hire with a taxi which is not roadworthy, clean and of a neat and presentable appearance.
- (2) No driver of a taxi shall—
  - (a) conduct himself in a disorderly manner;

- (b) canvass for fares;
  - (c) stand or wait with his taxi in a public street or public place when not hired except in the area, taxi rank or other place specified in the token issued in respect of his taxi, for the current year;
  - (d) after being hired—
    - (i) allow any person other than the person who has hired his taxi to be conveyed therein except on the directions or with the permission of the latter;
    - (ii) drive to his destination by any but the most direct route unless he or she is directed to the contrary by the person who has hired his taxi;
    - (iii) in any way delay in complying with or fail to comply with his obligations under the agreement concluded with the person who has hired his taxi;
  - (e) when plying for hire, cause or permit his taxi to stand or remain in such a position that it will obstruct or hinder passengers wishing to enter or leave any other vehicle; or
  - (f) prevent or attempt to prevent the driver of any other taxi from lawfully obtaining or conveying passengers.
- (3) A driver of a taxi shall, immediately after conveying any passenger, search his taxi for any goods which may have been left therein by such passenger and shall cause any such goods found by him to be handed in at the nearest police station without unreasonable delay.

#### **14. PRESUMPTIONS**

- (1) Whenever any person or goods are conveyed by taxi for hire or reward in contravention of any provisions of this chapter, it shall be presumed, until the contrary is proved, that the proprietor of such taxi caused or permitted such person or goods to be so conveyed.
- (2) If in any prosecution under this chapter, it is proved that a person has conveyed passengers or goods in a motor vehicle on a public road it shall be presumed, until the contrary is proved, that he or she so conveyed such passengers or goods for hire or reward.

The driver of a taxi shall, until the contrary is proved, be deemed to be proprietor thereof.

### **CHAPTER III PUBLIC BUSES**

#### **15. ESTABLISHMENT OF BUS RANKS**

- (1) The ranks (hereinafter referred to as bus ranks) on the portions of public roads and places open to the public and on the area of land prescribed by Council shall be



established as special parking places for the parking of public busses and which are authorised to use such bus ranks by permit issued in terms of these by-laws. Such bus ranks shall be indicated by traffic signs and markings erected and marked in accordance with the relevant provisions of the Road Traffic Act.

- (2) (a) The Chief Traffic Officer shall demarcate and cause to be set aside in such bus rank, in the manner hereinafter provided, a specific area or areas subdivided into spaces each sufficient to accommodate at least one bus (hereinafter referred to in these by-laws as "loading bays"), to be used exclusively for the purpose of accommodating public busses only while passengers are allowed to board or alight. The area or areas so set aside in such rank shall not be less than that which is sufficient to accommodate the number of busses at one time, prescribed by the Chief Traffic Officer; provided, however, that each bus service for which the bus rank concerned is reserved in terms hereof shall be allocated the right to use at least one loading bay in such bus rank either separately or in conjunction with other services for which the rank is so reserved. The number of loading bays to be allocated to any particular service shall be decided by the Chief Traffic Officer with due regard to the total number of bays available in the bus rank, and the number of vehicles operated by the owner or owners of the service concerned.
- (b) Any area remaining in any bus rank after the loading bays have been demarcated, and after provision has been made for purpose ancillary to the bus rank, including provision for the convenience and accommodation of intending passengers, and the entry and exit of vehicles and pedestrians, shall be made available and demarcated by the Chief Traffic Officer for the purpose of setting down passengers and parking busses whilst not engaged in picking up or loading passengers. Such parking areas may, but need not necessarily be subdivided and such subdivisions may be allocated for the use of specific services in the manner provided in paragraph (a) hereof.
- (c) The subdivision of loading or parking areas into bays in terms of the preceding paragraph shall be effected by means of parking lines or other demarcations painted or otherwise clearly indicated on the surface of the traffic-way and such bays may be numbered or otherwise identified. The allocation or reservation of loading bays may be effected by means of signs, notices or other suitable markings showing the outer terminal points or descriptive names of the service or services for which they have been reserved.
- (d) Whenever he or she considers it reasonably necessary to do so, in order to ensure the fair and equitable distribution between the various permit holders of the accommodation available in any parking area demarcated in terms of paragraph (b) hereof, the Chief Traffic Officer may by notice erected at or near the entrances to such parking area stipulate the maximum continuous period which in no case shall be more than eight hours in any one day during which a bus may be parked thereon. Whenever any vehicle has been so parked and allowed to stand within such parking area for any continuous period not exceeding that so stipulated, it shall not again be parked in such parking area until an interval of at least thirty minutes has elapsed.
- (e) The setting aside and demarcation of portions of a bus rank as loading bays or parking areas shall be effected by means of sign or notice boards, erected at or near the entrances to such loading bays or parking areas, or by means of parking lines painted or otherwise clearly indicated on the traffic-way, and any reference

in these bylaws to a bus rank shall unless the context otherwise clearly indicates, include any loading bay or parking area.

- (f) In setting aside or demarcating loading bays, parking areas or any other area necessary for purposes ancillary to the use of a bus rank or in stipulating the maximum continuous parking periods in any parking area, the Chief Traffic Officer shall endeavour to ensure that the fullest and most effective use is made of such bus ranks in the interests of both the permit holders and passengers and he or she shall have due regard to the proper regulation of vehicular and pedestrian traffic at or near any bus rank.
- (3) Council may close temporarily any bus rank or any portion thereof, established under these by-laws but, if necessary, shall establish elsewhere another permanent or temporary rank in lieu thereof.
- (4) In cases of emergency, the powers conferred by sub-section (3) to close the bus rank temporarily may be exercised by the Chief Traffic Officer or his authorised representative.

#### **16. BUS RANK ALLOCATED ACCORDING TO DESTINATION OF BUSES**

- (1) The bus ranks established in terms of section 17 shall be for the exclusive use of busses lawfully operating on the routes having the destination or outer terminal points detailed in respect of such rank by Council: Provided, however, that where any bus in respect of which a permit to use a bus rank is sought is authorised by the Motor Carrier Certificate issued in respect thereof to operate to a destination or outer terminal point other than that prescribed by Council, the Chief Traffic Officer shall issue a permit authorising such vehicle to use the bus rank most conveniently situated for the route concerned.
- (2) The provisions of this by-law shall not derogate from the authority conferred on the Chief Traffic Officer by section 23 to allocate to or require any services or bus for which the bus rank concerned is reserved in terms of sub-section (1), to use any particular loading bay or any parking area or subdivision thereof which may be demarcated in any bus rank or specified in the permit issued in respect of any bus.

#### **17. PARKING OR STANDING TIME AT LOADING BAYS**

No bus shall be parked or allowed to stand upon any portion of a bus rank set aside as a loading bay for a longer period than fifteen minutes at any one time, and where any such vehicle has been so parked or allowed to stand upon such loading bay for any continuous period not exceeding fifteen minutes it shall not again be parked or allowed to stand upon such loading bay or any portion thereof, until an interval of at least thirty minutes shall have elapsed.

#### **18. PARKING OF BUSES PROHIBITED IN CERTAIN AREAS**

Except in the case of public busses permitted to do so under these by-laws, at a bus rank established by Council, no person shall park or cause or permit to be parked any bus upon any public road within the Municipality save in any bus rank duly established in terms of these by-laws or any amendment thereof; provided that this provision shall not apply to a bus which is immobilised through mechanical defects; provided further that no person shall without the written consent of Council permit public busses not owned or operated by him to park on any private property within the Municipality, save for the normal repairing or servicing of busses by licensed motor garages.

## **19. UNAUTHORISED USE OF BUS RANKS PROHIBITED**

- (1) No person shall cause or permit—
  - (a) any vehicle of a class other than a public bus to park or stand upon any bus rank;
  - (b) any public bus to park or stand upon any bus rank unless in possession of a permit to do so, issued in respect of such a bus in terms of these by-laws; provided that this prohibition shall not apply to any lawfully substituted bus.
- (2) No person in control of any public bus which is authorised by a current permit to use any particular loading bay, parking area or subdivision thereof in any bus rank shall cause or permit such vehicle—
  - (a) to park or stand upon or use any loading bay or parking area or portion or subdivision thereof other than that allocated in respect of such vehicle in terms of such permit, or in terms of sections 17 and 18 as the case may be;
  - (b) to park or stand upon or in any way occupy any loading bay for a continuous period longer than fifteen minutes;
  - (c) to again park or stand upon or occupy any loading bay until an interval of thirty minutes shall have elapsed after such bus has been moved from the loading bay;
  - (d) to park or stand upon any bus rank or portion thereof which is temporarily closed in terms of these by-laws;
  - (e) to remain unattended at any loading bay.
- (3) No person shall remove, damage or mutilate or in any way interfere with any signs or notices which may be erected or affixed in any bus rank by the Chief Traffic Officer in terms of these by-laws.

## **20. APPLICATION FOR PERMITS**

- (1) Application for a permit to use any bus rank or ranks shall be made in writing by the owner of the public bus or busses in respect of which the permit is sought and shall be addressed to the Chief Traffic Officer.
- (2) With effect from the date of operation of these by-laws, the applicant shall lodge with his application a receipt from the Chief Financial Officer for the sum prescribed by Council in respect of each bus for which a permit is sought. If any application is refused in accordance with the provisions of section 24 the amount deposited by the applicant shall be refunded to him. If any application is granted, the amount so deposited shall be retained by the Chief Financial Officer as and for the fee payable by the applicant for the use of the rank authorised by the permit provided, however, that, where a permit is sought for a period which is less than 12 months the amount payable shall be one quarter of the aforesaid sum for each completed three months of the year ending on 31 December following.
- (3) The provisions of sub-section (2) shall *mutatis mutandis* apply to an application for the renewal of an existing permit.

## **21. ISSUE OF PERMITS**

- (1) Subject to the provisions of sub-section (2) and of section 24 the Chief Traffic Officer may in granting any application—
  - (a) impose conditions restricting any bus in respect of which a permit is issued to a particular loading bay or parking area or subdivision thereof which may be demarcated as before provided in the bus rank concerned;
  - (b) impose conditions limiting the hours during which any bus rank or subdivision thereof may be used by the vehicle when not actually engaged in transporting passengers in terms of any road carrier permit;
  - (c) impose conditions specifying the number of vehicles which may use any portion of any one bus rank or any subdivision of such bus rank;
  - (d) impose any other conditions which the Chief Traffic Officer may deem reasonable to ensure a fair allocation of the available accommodation of any bus rank between the various applicants or for avoiding obstructions and congestion of vehicles and passengers or to ensure the proper regulation of traffic at or near the bus rank concerned.
  
- (2) In deciding to impose any conditions, the Chief Traffic Officer shall have regard—
  - (a) to the number of public busses which can conveniently be accommodated in the bus rank set aside by Council for the use of vehicles to which the application relates, authorised by the road carrier permit to operate on the routes having the destination or outer termini detailed by Council;
  - (b) to any specified timetable referred to in the road carrier permit issued in respect of such vehicle and in accordance with which such vehicle must be operated;
  - (c) to the length of time during which the applicant for a permit has been engaged in the business of transporting passengers for reward by bus;
  - (d) to the conditions of the relevant road carrier permit issued in respect of such motor vehicle;
  - (e) any other factor which may be relevant to the object of ensuring the fullest and most effective use being made of the bus rank concerned, with due regard to the convenience of passengers and the regulations of vehicular and pedestrian traffic at or near such rank.

## **22. POWER TO REFUSE APPLICATION FOR OR TO CANCEL PERMITS**

- (1) No permit shall be granted or renewed unless the applicant is the holder of a valid road carrier permit in respect of the vehicle concerned authorising the conveyance of passengers over the relative route. Any permit or renewal shall be suspended or cancelled *ipso facto* if the road carrier permit in respect of the vehicle to which the permit relates is suspended, withdrawn, cancelled or not renewed.
  
- (2) The cancellation or suspension of a permit in terms of this by-law shall not entitle the holder to any refund in respect of the fee paid by him.

### **23. PERMIT TO BE IN PRESCRIBED FORM**

- (1) Whenever an application for a permit is granted by him the Chief Traffic Officer shall forthwith issue to the applicant a permit substantially in a form prescribed by the Chief Traffic Officer, in respect of each public bus for which application for the right to use a bus rank was made. A permit shall be valid only for the period stated thereon.
- (2) A permit issued in terms of these by-laws shall specify the bus rank or ranks to which it relates and shall entitle the holder to use any loading bay and any available accommodation in any parking area set aside or demarcated in the bus rank to which his permit relates, or which may be specified in the permit as being allocated to him subject to the conditions endorsed thereon and to the provisions of these by-laws.
- (3) Council shall in no way be liable for the loss or damage to any vehicle or any accessory or contents of such vehicle which has been parked in any bus rank.

### **24. PERMIT TO BE CARRIED ON VEHICLE TO WHICH IT RELATES, AND OWNER'S NAME AND ADDRESS TO BE DISPLAYED**

- (1) A permit so issued shall at all times be carried in or upon the public bus to which it relates or in or upon any bus which is lawfully substituted therefore, and the driver thereof shall exhibit it to a traffic officer, police officer, or any authorised official upon demand. Failure to exhibit such permit on demand shall be an offence.
- (2) The owner of any public bus shall cause his name and address to be legibly, permanently and conspicuously affixed on the side or sides of the vehicle. Such name and address shall be painted in block letters at least 25mm in height, and the colour of the letters shall be in contrast with the colour of the vehicle.

### **25. EXPIRY AND RENEWAL OF PERMIT**

- (1) A permit issued in terms of these by-laws shall expire on 31 December in each year.
- (2) Applications for the renewal of any permit for the following year shall be made to the Chief Traffic Officer not later than 31 December in each year, in the same manner as provided in section 22.
- (3) Applications for renewal made after 31 December aforesaid shall be treated as applications for new permits.

### **26. POWER TO THE CHIEF TRAFFIC OFFICER TO AUTHORISE SUBSTITUTION OF VEHICLE**

If at any time a public bus to which a permit relates is under repair or if for any other reason the owner thereof so desires, the Chief Traffic Officer may, by endorsement upon the permit, authorise the substitution of another vehicle therefore either temporarily or for the duration of the permit; provided however, that in cases of urgency the Chief Traffic Officer may grant such authority verbally in which case the owner shall produce the relevant permit for endorsement within 48 hours of such verbal authority having been granted; provided further than when a substituted vehicle is to be used for less than 24 hours such endorsement shall not be necessary.

## **27. PRESERVATION OF COUNCIL'S RIGHTS**

- (1) No rights possessed by the holder of any permit under these by-laws or under such permit shall operate to debar Council from permanently or temporarily closing or removing any bus rank established hereunder, or from amending these by-laws.
- (2) In the event of it being deemed necessary by Council for any reason—
  - (a) to establish any new permanent bus rank either in substitution for any existing bus rank or addition thereto; or
  - (b) to alter or modify any of the routes prescribed by Council or to authorise any additional routes;

Council may, with the consent of the local Road Transportation Board and pending the promulgation of the necessary amendments to these by-laws, issue a temporary permit authorising the holder to operate to and from any such new rank or along such altered or additional route as the case may be.

## **28. DRIVERS TO OBSERVE BY-LAWS AND INSTRUCTIONS OF TRAFFIC OFFICERS**

- (1) The driver or the other person in control of any public bus shall exercise the rights conferred by the permit authorising such vehicle to use any bus rank with due regard to the rights and convenience of other vehicles authorised to use the bus rank and their passengers and shall, in addition to observing the requirements of these by-laws obey all lawful instruction or signals given by any traffic officer.
- (2) For the purpose of these by-laws all traffic officers are hereby authorised to give such instructions or signals which may be necessary to avoid obstructions and congestion of vehicles or passengers and for the proper regulation of traffic at or near the bus rank.

## **29. QUEUES**

- (1) At any bus rank or bus stop established in terms of these by-laws Council may erect or cause to be erected queue signs consisting of a notice board indicating the position and manner in which persons waiting to board a bus shall stand and form a queue which sign may or may not be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
- (2) Persons intending to board any vehicle at any bus rank or other bus stop at which queue signs have been erected shall form a queue at and from the point from which it is indicated that such vehicles will leave.
- (3) Persons forming any such queue shall take and give precedence according to the time of their arrival.
- (4) No person shall board any vehicle at any bus rank at which queue signs have been erected except from a queue (unless there are no other persons waiting to board the vehicle) and no person shall take any place in a queue in front of any person already in that queue.
- (5) Where no queue sign has been erected persons waiting at or near any bus rank or any bus stop for the purpose of boarding a bus shall form themselves in a queue not

exceeding two abreast, or in single file when required thereto by a traffic officer or police officer.

- (6) Every person standing in any queue or boarding or attempting to board any bus at any bus rank or bus stop where a queue has assembled or a queue sign has been erected shall comply with all instructions given by any traffic officer or any police officer as may be necessary for the proper control of the queue or for the prevention or obstruction to vehicular or pedestrian traffic.
- (7) No person shall board any bus at any bus rank or bus stop until all persons wishing to alight therefrom shall have had reasonable opportunity to do so.
- (8) It shall be an offence for any person to enter or attempt to enter any bus which contains the total number of passengers which it is authorised to carry after being warned by the conductor or driver not to do so.
- (9) Any person who fails to comply with any provision of this by-law or who refuses to obey the lawful instructions of any traffic officer or any police officer or who behaves in a riotous or indecent manner or who is intoxicated, may be removed from a queue or from the vicinity of the bus rank or bus stop by any traffic officer or by any police officer.

### **30. BUS ROUTE AND STOPPING PLACES**

No person shall drive any public bus along any route within the Municipality except along routes as prescribed by Council resolution.

31. Council may by resolution prescribe bus stops on any routes along which public busses are permitted to travel. Such bus stops shall be denoted by a notice marked "Bus Stop".
32. The driver of any public bus being used on any route within the Municipality for the purpose of conveying passengers shall, unless such bus is at the time carrying the maximum number of passengers which it is lawfully entitled to carry, stop the said bus upon being hailed at any appointed bus rank or bus stop by any person desirous of travelling by such bus and shall take up such intending passenger provided that the said passenger is not excluded by any law from being a passenger in the said bus or in contravention of any condition which may have been imposed by the local Road Transportation Board.

The provisions of this by-law shall not apply to any public bus displaying a notice or notices stating that the said bus is an express, limited stop or special bus, until such bus reaches the destination stated in such notice or notices, whereupon the provisions of this section shall *mutatis mutandis* apply to such public bus.

33. The driver of any public bus upon being requested by any passenger in the said public bus to stop shall stop at the next appointed bus rank or bus stop for the purpose of allowing the said passenger to alight.
34. The driver of any vehicle other than a public bus shall not allow such vehicle to stop at any bus stop prescribed in section 33.
35. The driver of a public bus shall not at any time allow such public bus to remain unattended at any stopping place or stand situate on any bus-route within the Municipality.
36. (1) No driver or person in charge of any bus shall—

- (a) pick up or set down passengers or allow any passenger or intending passenger to board or leave such bus except at a bus rank established in terms of these by-laws or at a bus stop designated in accordance with the provisions of these by-laws or any other law.
  - (b) stop his vehicle at a bus stop for a longer time than is necessary for setting down or picking up passengers.
- (2) No person shall tout, importune or solicit for passengers for any bus by loitering or calling out or in any other manner whatsoever.
- (3) No person shall board or attempt to board, leave or attempt to leave any bus at any point along the route on which it is travelling other than at a designated bus stop.

### **37. RIGHT TO APPEAL TO COUNCIL**

Any bus owner, operator or driver who is aggrieved by any decision given by the Chief Traffic Officer under these by-laws shall have a right to appeal to Council.

## **CHAPTER IV METERED PARKING**

### **38. PRESCRIBED FEE SHALL BE PLACED IN PARKING METER**

- (1) Any person who parks or stops a vehicle in a metered parking bay—
- (a) during the prescribed hours shall, immediately after such vehicle has been brought to a standstill in such bay, deposit the prescribed fee in the parking meter installed in conjunction with such bay and cause such parking meter to come into operation in accordance with any direction displayed thereon; provided that if such meter indicates that the period of parking time for such bay is unexpired, such vehicle may be parked therein for a period not exceeding the unexpired portion of such period of parking time without any fee deposited; or
  - (b) before the commencement on any day of the prescribed hours, and permits such vehicle to remain therein until such commencement shall, immediately after such commencement deposit the prescribed fee in the parking meter installed in conjunction with such bay, and cause such parking meter to come into operation in accordance with any direction displayed thereon.

### **39. PROHIBITED ACTS**

- (1) No person shall—
- (a) cause or permit any vehicle parked or stopped by him in a metered parking bay to remain therein after the expiration of the period for which—
    - (i) the prescribed fee has been deposited in the parking meter installed in conjunction with such bay; or
    - (ii) parking is permitted in such a bay as indicated on a road traffic sign regulating parking or stopping on the public street or portion thereof in



which such bay is situated, or attached to the parking meter installed in conjunction with such bay;

- (b) deposit any coin in a parking meter for a second time for the purpose of extending or increasing the period or parking time indicated on such parking meter in respect of any vehicle parked or stopped in the parking bay in conjunction with such parking meter installed beyond the period referred to in paragraph (a)(ii);
- (c) cause or permit a vehicle to re-occupy a metered parking bay within a period of ten minutes after it has been removed from such bay;
- (d) deposit or cause to be deposited in a parking meter any slug, device or substitute for a coin or any coin other than a coin of the currency of the Republic of South Africa; or
- (e) tamper with, deface or in any way damage any parking meter or appurtenance thereto.

#### **40. PRESCRIBED HOURS**

The provisions of this chapter shall be in operation between 08h00 and 17h00 from Mondays to Fridays and 08h00 to 13h00 on Saturdays but shall not be in operation on any such day which is a public holiday.

#### **41. EXEMPTIONS**

Notwithstanding anything in these by-laws contained, the driver or person in charge of the following vehicles may, subject to the provisions of this by-law, park in a metered parking bay without payment of the prescribed fee:

- (1) Vehicles exempted in terms of Regulation 306 of the Road Traffic Act.
- (2) A vehicle operated by a licensed driver suffering from a permanent physical disability and to whom a token has been issued by the Chief Traffic Officer in terms of by-law 42(1).

#### **42. APPLICATION FOR EXEMPTION**

- (1) A person suffering from a permanent physical disability who desires to obtain exemption in terms of section 41 shall apply in writing to the Chief Traffic Officer for a token of exemption. Such application shall be accompanied by a certificate signed by a registered medical practitioner stating the extent and effect of such disability.
- (2) The Chief Traffic Officer may in his discretion issue or refuse to issue a token to such disabled person.
- (3) If a token is lost or destroyed, the token shall not be replaced until 1 January of the following year.
- (4) Every token issued in terms of these by-laws shall expire on 31 December of the year for which it was issued and shall be renewed upon 1 January of each year.
- (5) Application for renewals shall be made in accordance with the conditions of sub-section (1) hereof.

- (6) Such a token shall be displayed on the dashboard of the vehicle in such a manner that the information thereon will be clearly visible for a traffic officer through the windscreen of that vehicle.

#### **43. PRESUMPTIONS**

Whenever a vehicle is in a metered parking bay during the prescribed hours and the parking meter installed in conjunction with such bay indicates that the period of time for which a fee was last deposited in such parking meter has expired, it shall be presumed, until the contrary is proved, that such vehicle was parked in such a bay without the prescribed fee being deposited in such parking meter in accordance with the provisions of section 38.

### **CHAPTER V EXEMPTION OF MEDICAL PRACTITIONERS FROM PARKING RESTRICTIONS**

#### **44. EXEMPTION OF MEDICAL PRACTITIONER**

- (1) A registered general medical practitioner shall be exempted from the provisions of any by-law relating to parking in force in the Municipality when using, on *bona fide* professional domiciliary visits, a motor vehicle on which is displayed a badge conforming with the requirements of sub-section (2) hereof, issued to him on the authority of the Chief Traffic Officer, provided that such exemption shall not apply—
  - (a) in respect of a road traffic sign which totally prohibits parking at all times or during specified hours on any public road;
  - (b) in any area in which the stopping of vehicles is prohibited during the hours when such stopping is prohibited;
  - (c) to parking across entrances;
  - (d) where the road traffic sign concerned is one designating or demarcating a parking bay required for exclusive parking of a certain type of vehicle; or
  - (e) where the parking of a vehicle shall cause any obstruction or danger to other road users.
- (2)
  - (a) The badge shall be a windscreen sticker badge of a design approved by the Chief Traffic Officer displaying on the face thereof the serial number, the medical association's symbol and the name of the medical practitioner to whom it was issued.
  - (b) The badge shall be displayed on the lower near-side border of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the medical practitioner is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed, is parked. The address shown on the card must be easily legible from the outside of the vehicle.
- (3)
  - (a) Written application for the issue of a badge shall be made to the Chief Traffic Officer who may in his discretion authorise the issue of an approved badge to the applicant upon payment to Council of the prescribed fee.

- (b) The Chief Traffic Officer shall keep a register in which he or she shall record the serial number allocated by him of the badge, the issue of which has been authorised by him, and the name of the holder.
- (c) No duplicate badge shall be issued without the prior consent of the Chief Traffic Officer.
- (d) Where the Chief Traffic Officer has reason to believe that any holder is abusing the privileges conferred by him by a badge he or she may withdraw the badge from the holder and privileges conveyed by the badge shall thereupon cease.

## **CHAPTER VI GENERAL PROVISIONS RELATING TO PARKING**

### **45. LIMITATION ON PARKING**

- (1) Subject to the provisions of sub-section (2), no person shall between 20h00 on one day and 06h00 on the following day, park—
  - (a) a motor vehicle which exceeds 2 400 kg in tare;
  - (b) a trailer; or
  - (c) an animal drawn vehicle,in one place on a public road within the Central Business District or General Industrial Area or in any public car park for a continuous period exceeding one hour.
- (2) The provisions of sub-section (1) shall not apply to any vehicle that has been parked as a result of an accident, breakdown or other emergency for no longer than is necessitated by such accident, breakdown or other emergency.

### **46. LOADING ZONES AND PARKING BAYS**

- (1) No person shall cause or permit a vehicle other than a goods vehicle to remain in a loading zone for a period of time greater than is reasonably necessary for the actual loading or offloading of persons or goods.
- (2) No driver or person in charge of a motor vehicle may park or cause such vehicle to be parked in a demarcated parking place across any painted line marking the confines of the parking place or in such position that the said vehicle is not entirely within the area demarcated.
- (3) No person except a physically handicapped person may park a vehicle or permit such vehicle to be parked in any demarcated parking bay which has been reserved exclusively for the use by permanent physically handicapped persons and which has been indicated as such by an applicable information sign.

### **47. ACTS PROHIBITED IN PARKING BAYS**

No person shall, except with the permission in writing of the Chief Traffic Officer park any vehicle in a parking bay or in any other manner use a parking bay for the purpose of—

- (a) advertising any event, commodity or thing;
- (b) displaying any advertising sign or advertising device;

- (c) selling any goods; or
- (d) displaying any goods for sale.

#### **48. PRESUMPTION REGARDING PARKING**

Whenever a vehicle is parked or stopped or caused or permitted to remain in any place in contravention of a provision of these bylaws, it shall be presumed until the contrary is proved, that such vehicle was so parked, stopped or caused so to remain by the owner thereof.

### **CHAPTER VII TROLLEYS**

- 49. (1) No owner of a trolley shall permit such a trolley to be left on any sidewalk, parking bay or public road unattended.
- (2) Any trolley which is found deserted on a sidewalk, parking bay or public road shall be impounded and the owner thereof shall be required to pay a pound fee as determined by Council by resolution from time to time before such trolley shall be released.

### **CHAPTER VIII MISCELLANEOUS PROVISIONS**

#### **50. LOADS TO BE COVERED**

No person shall, by means of any vehicle, convey on any public road or public place any load of manure, sand, earth, gravel, grit, ashes or other substance which may be wind driven unless such load is covered by a tarpaulin or other suitable covering so as to effectively prevent any of such substances from being blown or in any other manner discharged from such vehicle.

#### **51. CLEANING, WASHING AND REPAIRING OF VEHICLES**

No person shall clean, wash or repair any vehicle in any public street, provided that in the case of an accident, breakdown or other emergency, such repairs may be effected as may be necessary to enable such vehicle to proceed or be removed as expeditiously as possible.

#### **52. ROLLER SKATES AND SKATE BOARDS**

No person shall use any public road or sidewalk for the purpose of skating on roller skates, skate boards or other similar device.

#### **53. OBSTRUCTING PROCESSION**

No driver of any vehicle shall drive or attempt to drive his vehicle through or across the path of any procession authorised or permitted under these by-laws by Council while such procession is proceeding along or across any public road.

#### **54. REFUSE**

No person shall—

- (1) spit upon any public pavement, public road or public place or in any public building or public vehicle of conveyance;

- (2) place upon the windscreen or any other part of any motor vehicle any paper or other material for the purpose of advertising without the permission of the owner of the said vehicle.

## **55. PERMISSION TO USE ABNORMAL VEHICLES**

- (1) Application for permission to move along a public road in terms of section 71 shall be made to the Chief Traffic Officer on the day prior to the day of the intended movement of the abnormal vehicle or of the abnormal load.
- (2) Any such application shall state the time, date and place of departure and the route to be taken.
- (3) If the Chief Traffic Officer considers that an escort is not necessary to ensure the safety of vehicles using the public roads, he or she may issue a written authority to proceed without such escort indicating the time and date of departure and the route to be taken.
- (4) If the Chief Traffic Officer considers that an escort is necessary to ensure the safety of the vehicles using the public road, he or she may allocate one or more traffic officers as escorts and may define the time and date of the intended movement and the route to be taken.
- (5) The owner of the vehicle or the person requesting the permission to move the abnormal vehicle or load shall pay the cost of any escort assigned, at the tariff determined by Council by resolution from time to time.

## **56. TRAFFIC OFFICERS ESCORT DUTIES**

Any person requiring the services of any traffic officer or officers for escort traffic control purposes, may make application therefore to the Chief Traffic Officer who may allocate so many traffic officers as may be required to ensure public safety, and the services of such traffic officers shall be paid for by such person making application at the tariff to be determined by Council by resolution from time to time.

## **57. OFFENCES AND PENALTIES**

Any person who—

- (a) contravenes or fails to comply with any provisions of these by-laws or of any term, condition, restriction, requirement, notice or order imposed or issued in terms thereof;
- (b) gives any information required by or in connection with any provisions referred to in paragraph (a) which is false or misleading;
- (c) resists, hinders, obstructs, molests or interferes with any traffic officer or employee of Council in the performance of his duties or the exercise of his powers under these by-laws; or
- (d) causes or permits any other person to commit any of the aforesaid acts;

shall be guilty of an offence and shall be liable on conviction to a fine of R1 000.00 (One Thousand Rand) or six (6) months imprisonment.

**58. REPEAL**

The by-laws relating to Traffic for the Okhahlamba Local Municipality, are hereby repealed and replaced by these by-laws, which are to become effective on promulgation hereof.

**59. APPLICATION**

The Council may by notice determine that the provision of these by-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.